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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,396	11/12/2003	Sandeep Betarbet	190250-1630	6854

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EXAMINER

LAI, MICHAEL C

ART UNIT	PAPER NUMBER
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2157

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/706,396	Applicant(s) BETARBET, SANDEEP	
	Examiner MICHAEL C. LAI	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>18 dec 2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to amendment filed on 12/18/2007.

Response to Amendment

The examiner has acknowledged the amended claims 14, 27-39.

Response to Arguments

Applicant's arguments, with respect to the 101 rejection(s) of amended claim(s) 27-39 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

Applicant's arguments with respect to the rejections of claims 1-39 under 35 USC 102/103 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. It is important to note that independent claims 1, and 27, dependent claims 4, 6, 8, 10-13, 18, 30-31, 33, 35-37 are replete with intended use recitations. The claim does not require anything new in that the limitations are "operable to", "adapted to", "configured to", "according to", etc. perform steps that practically any computer can be configured to perform. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Applicant failed to

specifically point out any further contentions and thus, failed to claim the subject matter which applicant regards as the invention.

Claim Rejections

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 14-15 and 27-28 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's admitted prior art ("AAPA"), specifically in view of the prior art Connect:Direct servers presented in the Description of the Related Art section of Applicant's Specification.

3. Regarding claims 1, 14 and 27, AAPA discloses a file transfer system, comprising:

an originating file transfer host [page 2, line 21, "a host running an originating Connect:Direct server"], comprising:

a server operable to receive a file and a script associated with the file from at least one remote terminal, interpret the script, and transfer the script and the file [page 2 line 27 through page 3 line 5, "the file and a script can be copied to the shared host with a login account via FTP..."]; and

an originating file transfer server operable to receive the script and the file from the server and transfer the file to a terminating file transfer server in accordance with the

script [page 3 lines 6-8, "The originating Connect:Direct server (with the license) is typically dedicated to a single process/application transferring files to the terminating Connect:Direct server"].

AAPA doesn't specifically disclose that the server is a script server. However, the fact that the originating Connect:Direct server supports shell script (see Connect:Direct for UNIX User's Guide) and it can handle the file and the script at the same time implies the originating Connect:Direct server is also a script server. Thus AAPA discloses all limitations of claims 1, 14 and 27.

5. Regarding claims 2, 15 and 28, AAPA further discloses wherein the originating file transfer server uses a Connect Direct software platform to communicate with a terminating file transfer server [pages 2-3].

6. Regarding claim 3, AAPA further discloses wherein the terminating file transfer server is the transfer point from the originating file transfer server to a receiving computer [page 2 lines 23-25, "The file transfer can be made to a remote host running a terminating Connect:Direct server. The file can be received on the terminating Connect:Direct Server by a local ConnectDirect user."].

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 10-11, 23-24, and 36-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Postel and Reynolds (RFC 959 "File Transfer Protocol (FTP)", October 1985, hereinafter referred to as Postel).

9. Regarding claims 10, 23, and 36, Postel discloses the user identification [Section 4.1.1, USER NAME (USER): ...The user identification is that which is required by the server for access to its file system... Additional identification information in the form of a password and/or an account command may also be required by some servers...] and the home directory [Section 2.2, pathname: Pathname is defined to be the character string which must be input to a file system by a user in order to identify a file. Pathname normally contains device and/or directory names, and file name specification. FTP does not yet specify a standard pathname convention. Each user must follow the file naming conventions of the file systems involved in the transfer.].

10. Regarding claims 11, 24, and 37, Postel further discloses: an agent associated with the home directory, operable to identify a host name and a receive port of a computer associated with the home directory [Section 5.2, col. 2: The user-DTP must "listen" on the specified data port; this may be the default user port (U) or a port specified in the PORT command...].

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects

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for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 4-6, 8-9, 16-18, 20-22, 29-31 and 33-35 are rejected under 35

U.S.C. 102(e) as being anticipated by Swartz et al. (US 6,961,778 B2, hereinafter referred to as Swartz).

13. Regarding claims 4, 8-9, 16, 20-22, 29, 33-35, Swartz discloses a private connection bus operable to transmit information between the script server and the originating file transfer server [col. 35, lines 4-7, "LAN"].

14. Regarding claims 5, 17, and 30, Swartz discloses wherein the script server receives files and scripts from said at least one remote terminal via a Java application programming interface [col. 9, lines 11-22: ... With Java, developers can create robust User Interface (UI) components...].

15. Regarding claims 6, 18, and 31, Swartz discloses wherein the Java application programming interface is operable to send files and scripts to a particular node of the host [col. 9, lines 23-35: ... Java supports programming for the Internet in the form of platform-independent Java applets." Java applets are small, specialized applications that comply with Sun's Java Application Programming Interface (API) allowing developers to add "interactive content" (send files and scripts) to Web documents...].

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 7, 19, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz.

18. Regarding claims 7, 19, and 32, Swartz discloses the C++ language for programming [col. 6, lines 15-29]. However, the C language is in the same family as C++ and well-known for writing scripts in a UNIX or other operating system. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the C language into Swartz's system and have the script server as a C language software application on the host system for the purpose of using a well-known programming language in the same family, thereby providing an easier to maintain system.

19. Claims 12-13, 25-26, and 38-39, are rejected under 35 U.S.C. 103(a) as being unpatentable over Postel, and further in view of Wei et al. (US 2002/0087642 A1, hereinafter referred to as Wei).

20. Regarding claims 12, 25, and 38, Postel discloses all subject matter as discussed in claim 11 above, except for the Java server script. However, Wei discloses using JSP (java server script) [para. 0025, lines 23-26] as a CGI script. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the teaching of Wei into Postel's system so that wherein the computer associated with the home directory comprises a Java server script operable to monitor for communications on the receive port. The motivation would be using off-the-shelf product to reduce development time and as a result, faster to the market.

21. Regarding claims 13, 26, and 39, Postel further discloses wherein the agent is operable to remove the file from the home directory after transferring the file to the host name and receive port of the computer associated with the home directory [Section 4.1.3, DELETE: This command causes the file specified in the pathname to be deleted at the server site.].

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

23. Wahlquist et al., US Patent Number 5,367,667, has taught sending case files and script files to a remote computer to perform diagnostic testing.

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Lai whose telephone number is (571) 270-3236. The examiner can normally be reached on M-F 8:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael C. Lai
14MAR2008

/Yves Dalencourt/

Primary Examiner, Art Unit 2157